

Notice of Allowability

Application No.

10/716,280

Applicant(s)

GERATHEWOHL ET AL.

Examiner

Art Unit

Rodney H. Bonck

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received May 6, 2005.
2. ☒ The allowed claim(s) is/are 25-31.
3. ☒ The drawings filed on 08 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>05/06/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

The following action is in response to the amendment received May 6, 2005.
The amendment has been entered. Accordingly, claims 25-31 are now pending.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed May 6, 2005. Initialed citations on the Forms A820 have been considered. Certain citations have been lined-through because they are already of record. Two cited French documents have not been considered and have been lined-through, because no concise explanation of their relevance was provided.

The original specification listed three German documents. As noted in the previous Office action, the listing of references in the specification is not a proper information disclosure statement. Accordingly, those German documents have not been considered. In response, however, applicants state that "the Examiner has filed a PTO-892 form listing the prior art references cited in this application." It is assumed from this that the U.S. documents cited by the examiner correspond to those cited German documents.

Oath/Declaration

A new oath or declaration is required because the amended Declaration filed May 6, 2005 cannot be accepted. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is

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required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Drawings

The cancellation of claims 22-24 obviates the objection to the drawings for failing to show claimed subject matter. Accordingly, the objection to the drawings is withdrawn.

Specification

The substitute specification filed May 6, 2005 has been approved for entry. The objection to the specification has been overcome by the substitute specification. Accordingly, the objection is withdrawn. Similarly, the new abstract filed May 6, 2005 overcomes the previous objection to the abstract. Therefore, the objection to the abstract is withdrawn.

Claim Rejections - 35 USC § 112

Cancellation of claims 22-24 overcomes the previous rejection under 35 USC 112, first paragraph. Similarly, cancellation of claims 13-24 obviates the previous rejection under 35 USC 112, second paragraph. Therefore, the rejections under 35 USC 112 are withdrawn.

Claim Rejections - 35 USC § 102/103

In the previous Office action, claims 13-24 were rejected under 35 USC 102(b) and/or 103(a). Cancellation of claims 13-24 overcomes those rejections, which are accordingly withdrawn.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In line 5 of claim 28, "corresponding" has been changed to – correspondingly --.

In line 2 of claim 31, "with in" has been changed to – within --.

The above change to claim 28, changes "said disk carrier corresponding alternates" to – said disk carrier correspondingly alternates --, which is considered to be more grammatically correct. The change to claim 31 corrects an apparent typographical error.

Allowable Subject Matter

Claims 25-31 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or render obvious a disk carrier assembly as defined in claim 25 comprising a disk plate, having radially extending load teeth and radially extending bearing teeth, and a disk carrier having a plurality of axial protrusions that extend radially inward and a plurality of axial grooves that extend radially outward, the axial protrusions including a plurality of axial load protrusions and a plurality of axial bearing protrusions. Each axial load protrusion having a load tooth cutout formed on its axial end and each axial bearing protrusion having an elongated area with an annular retaining groove. The load teeth of the drive plate directly engage the load teeth cutouts of the axial load protrusions, and the bearing teeth of the drive plate are operatively disposed circumferentially within the axial bearing protrusions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
June 16, 2005